



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> August 5, 2005 <b>LOCAL EFFECTIVE DATE</b> August 19, 2005 <b>APPROX FINAL EFFECTIVE DATE</b> September 9, 2005	<b>CONTACT/PHONE</b> Ryan Hostetter (805) 788-2351	<b>APPLICANT</b> Sebastian Andreatta	<b>FILE NO.</b> DRC2004-00199
<b>SUBJECT</b> Request by Sebastian Andreatta for a Minor Use Permit/Coastal Development Permit to allow an existing single family residence to be used as a vacation rental. The existing residence is within 200' feet of another vacation rental on the same street. There will be no construction activities with this permit approval. The proposed project is within the Residential Single Family land use category and is located at 1821 Ogden Dr. in the community of Cambria. The site is in the North Coast planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2004-00199 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on July 14, 2005 (ED05-019).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Archaeologically Sensitive Area, Local Coastal Program, Terrestrial Habitat	<b>ASSESSOR PARCEL NUMBER</b> 023-122-024	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> None Applicable <i>Does the project meet applicable Planning Area Standards: Not applicable</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Vacation Rentals <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ Fax: (805) 781-1242</small>			

EXISTING USES: Site currently has a residential single family home	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Community Advisory Group, Public Works, Cambria Fire, Cambria Community Services District, and the California Coastal Commission	
TOPOGRAPHY: Moderately sloping down from Ogden Dr.	VEGETATION: Ornamental vegetation
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cambria Fire	ACCEPTANCE DATE: June 17, 2005

## DISCUSSION

The Coastal Zone Land Use Ordinance established a set of regulations to ensure that vacation rentals will be compatible with surrounding residential uses and will not act to harm or alter neighborhoods. It is also intended for the County to have discretion over the number of vacation rentals within a small area in a residential neighborhood.

Generally, applications for a vacation rental are reviewed administratively through a zoning clearance. If, however, another vacation rental exists within 200 feet of the subject property, is located on the same side of the street, and is within the same block, the subject property must obtain a Minor Use Permit in order to approve the vacation rental. Distances measured between vacation rentals fronting on two different streets are not applicable. If, for example, a property were in a block where there were no other vacation rentals within 200 feet on the same side of the street, then the property could obtain a business license and zoning clearance over the counter rather than having to get a Minor Use Permit. This allows the county to have discretion over a vacation rental when there are existing vacation rentals within close proximity.

## LAND USE ORDINANCE STANDARDS:

### Vacation Rentals 23.08.165

Location: "Within all residential land use categories, no residential vacation rental shall be located within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation that is outside of the Commercial land use category. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required." (23.08.165 c of the CZLUO) The proposed vacation rental is located within 200 linear feet of an existing vacation rental on the same street, and in the same block (approximately 100 ft. to the north on the west side of Ogden). The applicant is requesting a modification of the 200 foot limitation through this Minor Use Permit.

Rental tenancy: "Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy (with exception of the property owner) shall occur within that seven day period. A residential vacation rental shall only be used for the

purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e. home occupation, temporary event, homestay) shall be allowed on the site" (23.08.165 d of the CZLUO). *The project is conditioned to meet this requirement.*

Number of occupants: "The number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons." (23.08.165 e of the CZLUO). The existing residence to be used as the proposed vacation rental contains 3 bedrooms. *The project is conditioned to allow a maximum of 8 occupants while the home is rented as a vacation rental.*

Appearance, visibility and location: "The residential vacation rental is not to change the residential character of the outside appearance of the building, either by use of colors, materials, lighting,; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas" (23.08.165 f of the CZLUO). The existing structure and improvements currently meet these standards. There are no alterations to the structure or landscaping with this approval. *The project is conditioned to meet this requirement.*

Signs: "Availability of the rental unit to the public shall not be advertised on site" (23.08.165 g of the CZLUO). *The project is conditioned to meet this requirement.*

Traffic: "Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day" (23.08.165 h of the CZLUO). *The project is conditioned to meet this requirement.*

Parking: "All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time" (23.08.165 i of the CZLUO). *The required parking is provided on the site, and the project is conditioned to meet this requirement.*

Noise: "All Residential Vacation Rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings" (23.08.165 j of the CZLUO). *The project is conditioned to meet this requirement.*

Contact Person: "All residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

1. The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency and supplied to the property owners within a 300 foot radius. The name, address and telephone number(s) of the

local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection.

2. If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in subsection 1 shall apply." (23.08.165 k of the CZLUO)

The applicant has supplied the required contact information to the required parties listed above. The contact person(s) listed with the project application are **Bob Kasper and Richard Breen** (property managers) @ 704 Main Street Cambria, CA 93428 and their contact phone is **(805) 927-4966**. *The project complies with these standards.*

Transient Occupancy Tax: "Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit." (23.08.165 l of the CZLUO)  
*The project complies with these standards as conditioned.*

#### COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A Policy No(s):  
Recreation and Visitor Serving: Policy No(s): 1 & 2  
Energy and Industrial Development: ☒ N/A Policy No(s):  
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A Policy No(s):  
Environmentally Sensitive Habitats: ☒ N/A Policy No(s):  
Agriculture: ☒ N/A Policy No(s):  
Public Works: ☒ N/A Policy No(s):  
Coastal Watersheds: ☒ N/A Policy No(s):  
Visual and Scenic Resources: ☒ N/A Policy No(s):  
Hazards: ☒ N/A Policy No(s):  
Archeology: ☒ N/A Policy No(s):  
Air Quality: ☒ N/A Policy No(s):

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COASTAL PLAN POLICY DISCUSSION:**

**Policies for Recreation and Visitor-Serving Facilities:**

Policy 1 : "Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means..."  
The proposed project adds a visitor serving use to the coastal community of Cambria. By allowing the use of an existing single family home as a vacation rental, adding another visitor serving use is allowed without the environmental effects of new construction. Staff finds that the proposed project meets this policy.

Policy 2: "Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222..." While the proposed project does not include "development," it is consistent with this policy because the policy gives priority to the visitor serving use (vacation rental) over the existing use of a private single family residence.

**COMMUNITY ADVISORY GROUP COMMENTS:** In a letter from the North Coast Advisory Committee dated April 28, 2005: "The North Coast Advisory Committee unanimously voted to deny the minor use permit for DRC2004-00199/Andreatta. There already exists three vacation rentals within a two hundred foot radius of the proposed project. The vacation Rental Ordinance 2004, code chapter 23.08.165 must be enforced. The language includes both sides of the street, so this project should have been denied a permit."

**AGENCY REVIEW:**

Public Works- "Recommend approval, no concerns." 4/8/05

Cambria Community Services District – "Subject property has existing single-family water and sewer service" 3/21/05.

California Coastal Commission – No comments received.

Staff report prepared by Ryan Hostetter and reviewed by Mike Wulkan.

**EXHIBIT A - FINDINGS**

*CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15301 because the project includes and is limited to leasing of an existing facility, and there will be no construction or site disturbance approved with this permit.

*Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses. The project is conditioned to be consistent with the Land Use Ordinance regarding tenancy, number of occupants, appearance, signs, parking, and noise so that it is to have no negative impact to the character of the surrounding neighborhood, and to be consistent with the appearance and functionality of a single family residence. The neighborhood contains other vacation rentals, permanent rentals, and second homes for when people want to come to the area to visit.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because as conditioned, the project will not increase the traffic intensity of the proposed site with the approval of this project. The project is located on a local street, Cambridge, which has a 50' right of way, is not steep, and has good sight distance around the proposed project's driveway.

*Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:

- a. A Minor Use Permit/Coastal Development Permit to allow an existing single family residence to be used as a vacation rental. The existing residence is within 200' feet of another vacation rental on the same street. There will be no construction activities with this permit approval.

### **Contact Person**

2. **Within five days of issuance of a business license**, the applicant shall submit the name, address, and 24 hour contact number of a local property manager to answer questions and concerns to any tenant or neighbor of the proposed vacation rental to the following:

- a. the local Sheriff Substation
- b. the main county Sheriff's Office
- c. the local fire agency (Cambria Fire)
- d. all property owners within 300 feet of the proposed vacation rental

If a new property manager is selected after the issuance of this permit, the applicant shall submit the new property manager's contact information (name, address and 24 hour phone number) to the above mentioned contacts **prior** to the vacation rental being used.

### **Services**

3. **Prior to issuance of a business license**, the applicant shall provide a letter from Cambria Community Services District stating a final approval for the vacation rental registration has been completed.

### **Transient Occupancy Tax**

4. **Prior to issuance of a business license**, each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

### **Rental tenancy**

5. Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy (with exception of the property owner) shall occur within that seven day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e. home occupation, temporary event, homestay) shall be allowed on the site.

### **Number of occupants**

6. The number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement (set forth 23.08.165 i of the CZLUO), and shall not exceed eight occupants while the home is rented as a vacation rental.

**Appearance, visibility and location**

7. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by use of colors, materials, lighting; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

**Signs**

8. Availability of the rental unit to the public shall not be advertised on site.

**Traffic**

9. Vehicles used and traffic generated by the residential vacation rental shall not exceed 10 trips per day.

**Parking**

10. All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with 23.08.165 e. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.

**Noise**

11. All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings.

**On Going Conditions**

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a business license has been issued. If a business license is not granted prior to the expiration of this land use permit, a new land use permit must be applied for and granted for the use to continue.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

**Indemnification**

14. The applicant shall as a condition of approval of this Minor Use Permit, defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.





North Coast Advisory Council  
P. O. Box 533  
Cambria, CA 93428

April 28, 2005

Martha Neder, County Planner  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Re: Actions taken at the regular meeting of the North Coast Advisory Council (NCAC) on April 20, 2005.

Dear Ms. Neder;

The actions listed below are a result of the regular meeting of the North Coast Advisory Council on April 20, 2005.

The following projects are recommended for approval with no comments:

DRC 2004-00187/CCSD

Biosolids Project

DRC 2004-00191/West

New SFR

The following three requests for permits were approved with minor conditions and no other comments.

DRC 2004-00198/Pitton

Demolish and construct SFR,  
Needs 251 TDC

DRC 2004-00204/Devine

Review of Sign, Approve the  
new design



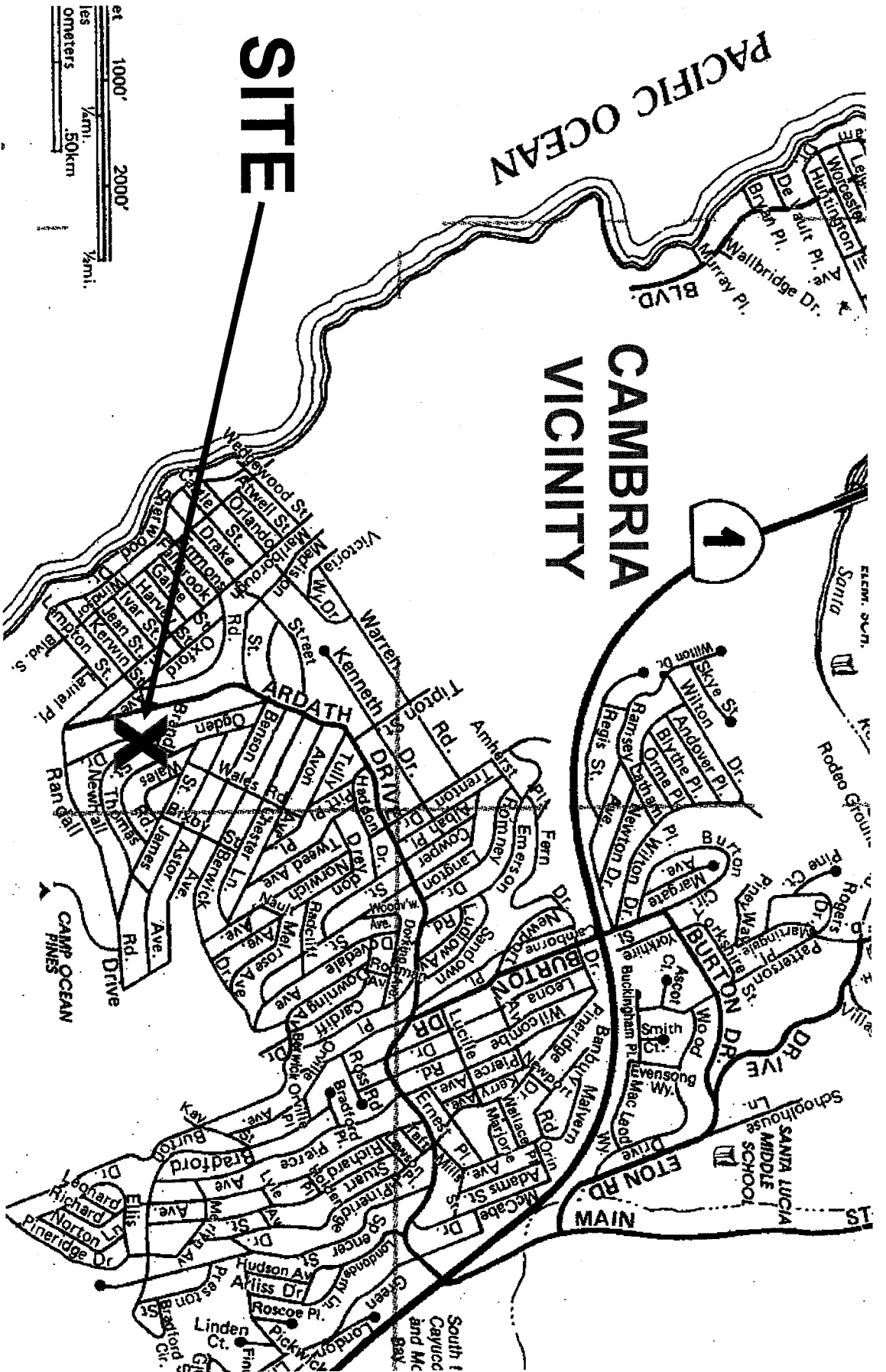
The NCAC unanimously voted to deny the minor use permit for DCR-00199/Andratta. There already exist three vacation rentals within a two hundred foot radius of the proposed project. The Vacation Rental Ordinance 2004, code chapter 2308.165 must be enforced. The language includes both sides of the street, so this project should have been denied a permit.

Yours truly,

*Carol Broadhurst*

Carol Broadhurst, Corresponding Secretary

cc: Shirley Bianchi, County Supervisor  
Victor Holanda, Director Planning and Building  
Anne Wyatt, Chairperson NCAC



**SITE**

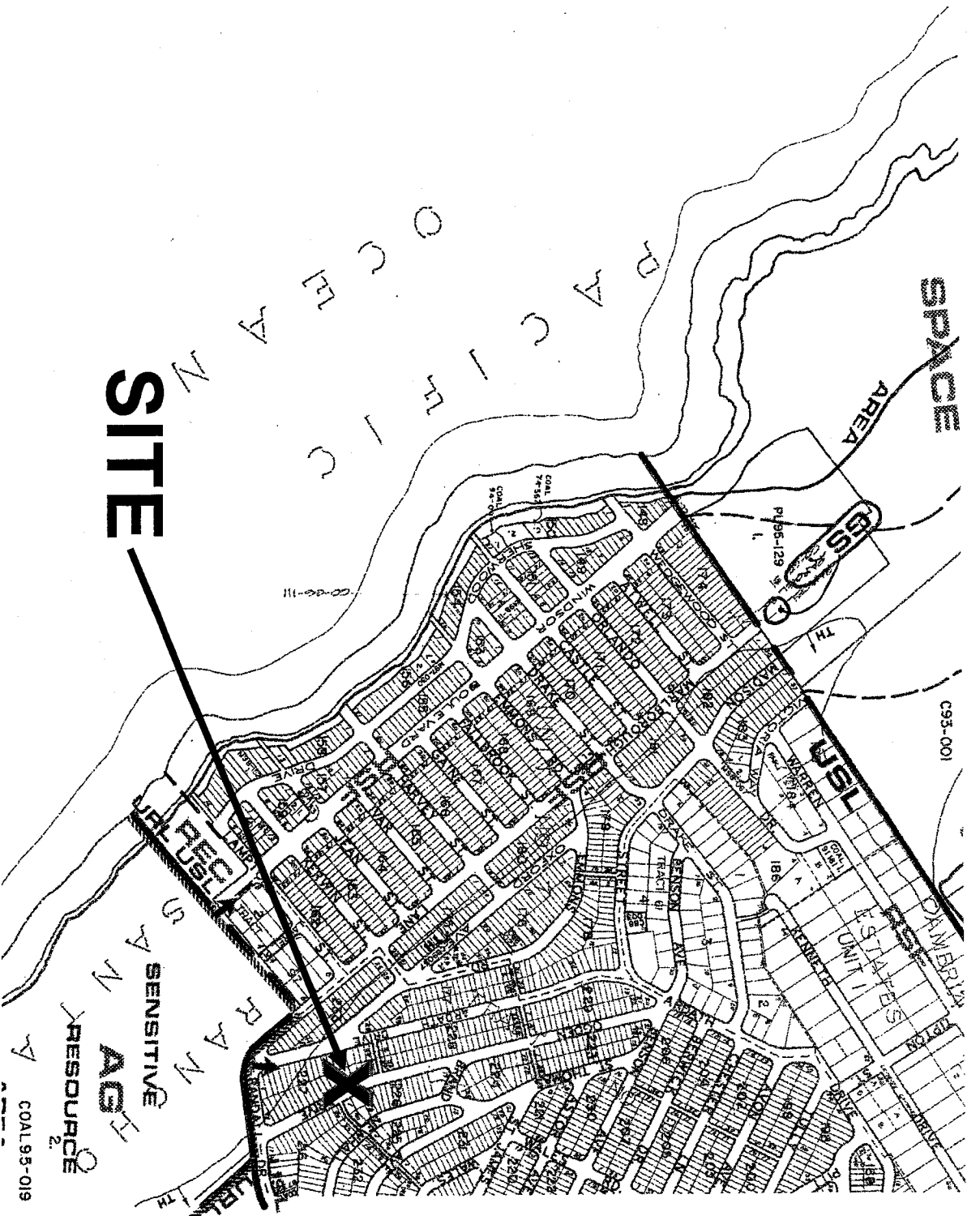
**PROJECT**

Minor Use Permit  
Andreatta DRC2004-00199



**EXHIBIT**

Vicinity Map



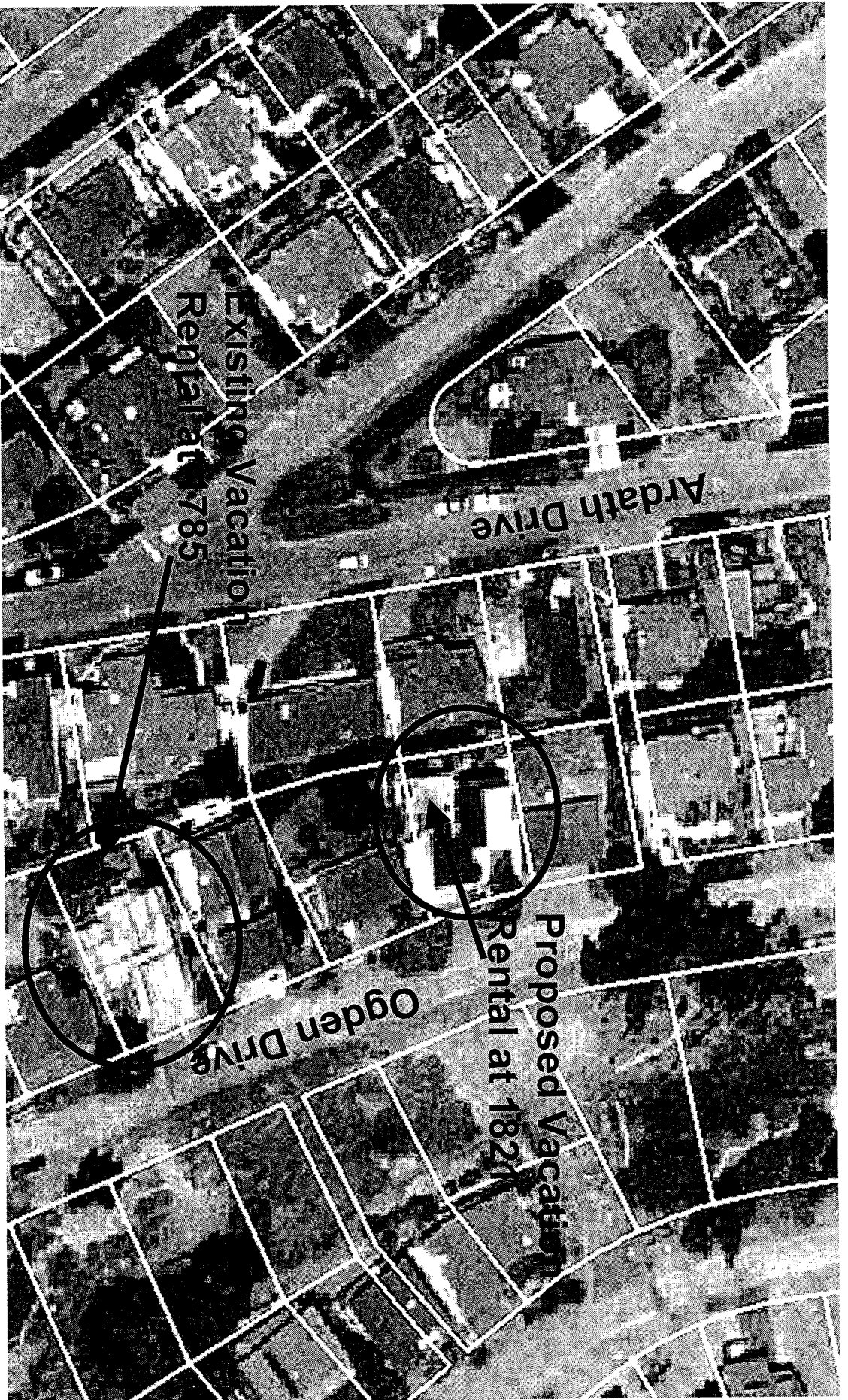
PROJECT

Wither Use Permit  
Andreatta DRC2004-00199



EXHIBIT

Land Use Category



PROJECT

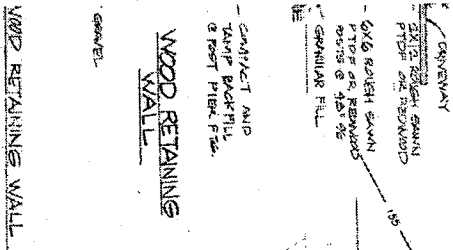
Minor Use Permit  
Andreatta DRC2004-00199



EXHIBIT

Aerial Photograph

OFTEN DRIVE

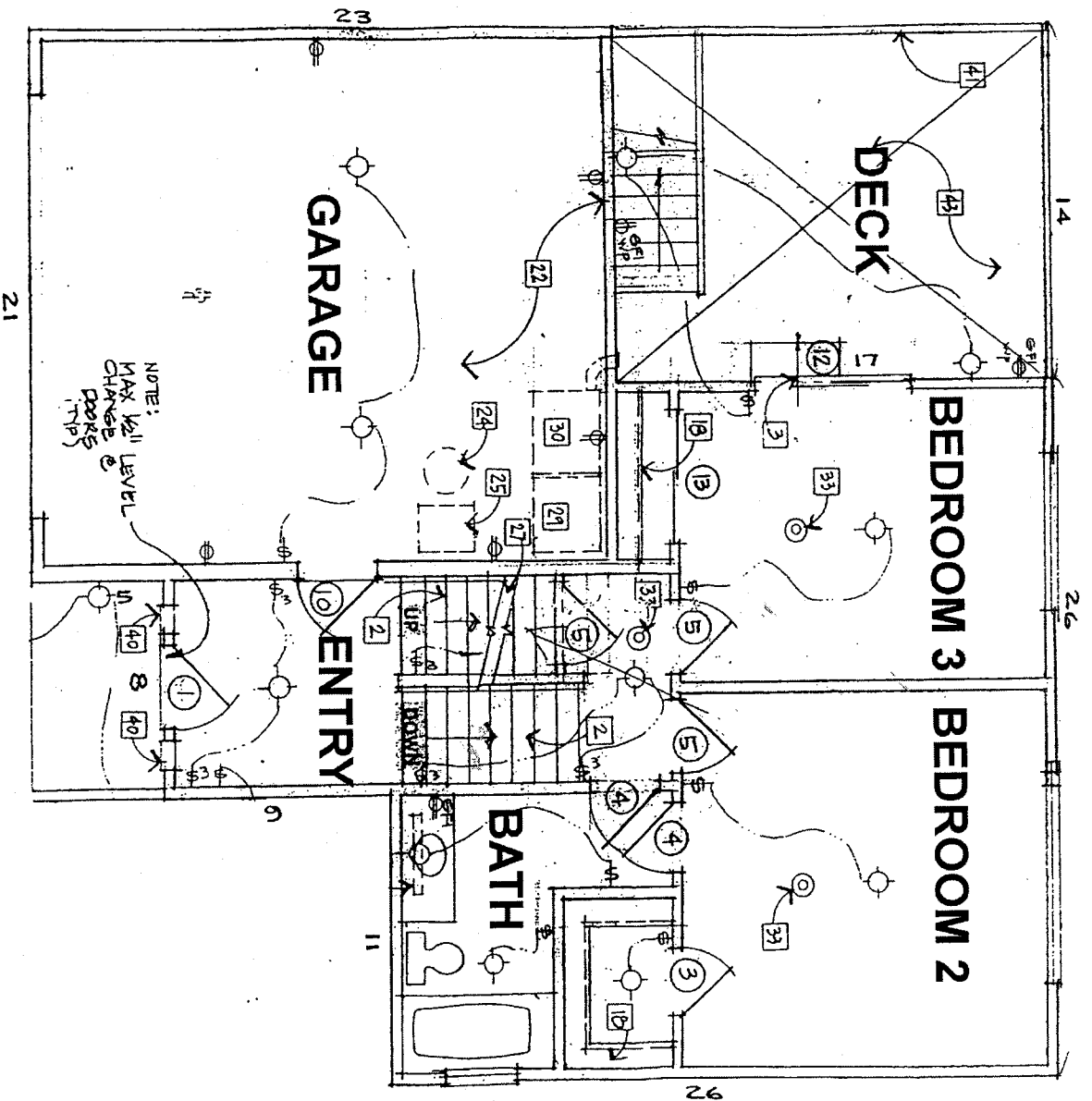


~~Minor Use Permit~~

Andreatta PRC2004-00199



# Site Plan



PROJECT

Minor Use Permit  
Andreatta DRC2004-00199



EXHIBIT

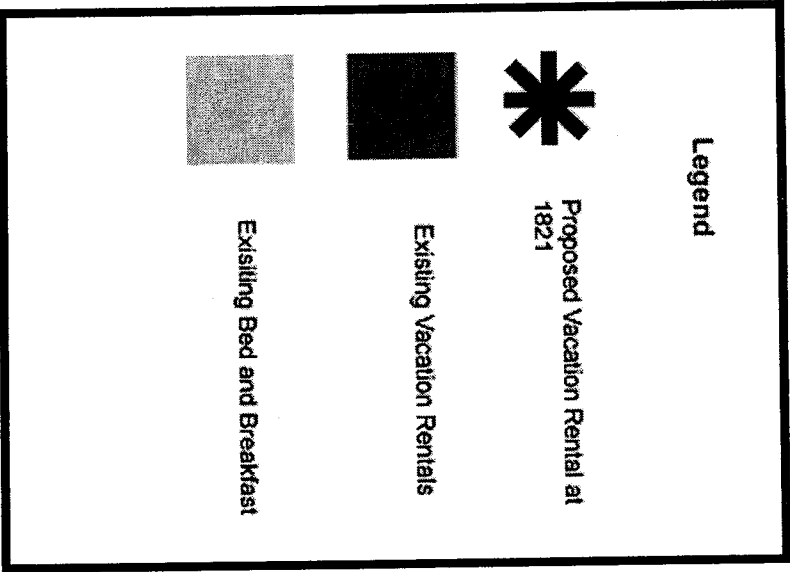
Floor Plan - Lower

**Minor Use Permit**  
Andreaatta DRC2004-00199



## Floor Plan - Upper





PROJECT

Minor Use Permit  
Andreatia DRC2004-00199



EXHIBIT

Area Map